

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	8:05CR191
vs.)	
)	ORDER
KEVIN J. YALE,)	
)	
Defendant.)	

Defendant has filed a motion (#42) to continue trial, now set for November 1, 2005. The court's calendar cannot accommodate this request.

IT IS ORDERED that defendant's motion to continue trial (#18) is denied.

Pursuant to NECrimR 57.2, a party may appeal this order by filing a "Statement of Appeal of Magistrate Judge's Order" within ten (10) days after being served with the order. The party shall specifically state the order or portion thereof appealed from and the basis of the appeal. The appealing party shall file contemporaneously with the statement of appeal a brief setting forth the party's arguments that the magistrate judge's order is clearly erroneous or contrary to law. The filing of a statement of appeal does not automatically stay the magistrate judge's order pending appeal. *See* NECrimR 57.2(d).

DATED October 31, 2005.

BY THE COURT:

s/ F.A. Gossett
United States Magistrate Judge